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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 v.

10 GUILLERMO ALEJANDRO ZARAGOZA,
11 EDUARDO ZARAGOZA, and
12 MARTIN ESTRADA ZARAGOZA,

Defendants.

Case No. 08-cr-00083-PJH-1, -2, -5

**ORDER DENYING APPLICATION FOR
AN ORDER OF FORFEITURE**

Re: Dkt. No. 1104

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15 The government has filed an application for an order of forfeiture to include entry
16 of a money judgment against defendants Guillermo Alejandro Zaragoza, Eduardo
17 Zaragoza and Martin Estrada Zaragoza in the amount of \$600,000, joint and several.
18 Because the order of forfeiture in the form of a money judgment was not included in the
19 judgment as to any of the above-named defendants, as required by Federal Rule of
20 Criminal Procedure 32.2(b)(4), the government's application is DENIED WITHOUT
21 PREJUDICE. The government may renew its application for an order of forfeiture subject
22 to the following conditions: (1) establishing a basis to correct the judgment as to each
23 defendant; (2) demonstrating that the court included the forfeiture when orally
24 announcing the sentence, or otherwise ensured that each defendant knew of the
25 forfeiture at sentencing, as required by Rule 32.2(b)(4)(B); and (3) establishing that there
26 is no undue delay in seeking the proposed order of forfeiture.

27 If the government elects to renew its application for an order of forfeiture, it must
28 serve the application on the attorneys who represented defendants at the time of

1 sentencing, including appointed counsel. Counsel for each defendant may file an
2 opposition or otherwise respond within 14 days of the government's filing of its renewed
3 application for an order of forfeiture. No reply briefs may be filed, and the matter will be
4 submitted on the papers.

5 **IT IS SO ORDERED.**

6 Dated: March 28, 2017


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8 PHYLLIS J. HAMILTON
9 United States District Judge
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